

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SHANE DUVALL BRADFORD,

Petitioner,
v.

Case No. 05-CV-73732-DT
Criminal Case No. 04-80367-DT-01
HONORABLE DENISE PAGE HOOD

UNITED STATES OF AMERICA,

Respondent.

ORDER RE: CERTIFICATE OF APPEALABILITY

On June 30, 2006, the Court issued a Judgment and an Order denying and dismissing Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence. Petitioner filed a Notice of Appeal on August 3, 2006, along with a Motion for Certificate of Appealability and a Motion for Leave to Appeal *In Forma Pauperis*.

Before Petitioner may appeal the Court's dispositive decision denying his petition, a certificate of appealability must issue. 28 U.S.C. § 2253(c)(1)(B); Fed. R. App. P. 22(b). The Court must either issue a certificate of appealability indicating which issues satisfy the required showing or provide reasons why such a certificate should not issue. 28 U.S.C. § 2253(c)(3); Fed. R. App. P. 22(b); *In re Certificates of Appealability*, 106 F.3d 1306, 1307 (6th Cir. 1997). A certificate of appealability may be issued "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The substantial showing threshold is satisfied when a petitioner demonstrates "that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). When a prisoner's petition is denied on procedural grounds, a certificate of appealability "should issue . . . if the prisoner shows, at least, that jurists of reason would find it debatable whether the petition

states a valid claim of the denial of a constitutional right, and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Id.*

After reviewing the Court’s Order and Petitioner’s Notice of Appeal, Motion for Certificate of Appealability and Motion for Leave to Appeal *In Forma Pauperis*, the Court finds that Petitioner has not shown that the Court’s findings and conclusions of law are debatable among jurists and that the issues raised in the petition deserve further proceedings.

Accordingly,

IT IS ORDERED that a Certificate of Appealability NOT issue in this case.

IT IS FURTHER ORDERED that the Motion for Certificate of Appealability (**Case No. 04-80367, No. 31**) is DENIED.

IT IS FURTHER ORDERED that the Motion for Leave to Appeal *In Forma Pauperis* (**Case No. 04-80367, No. 32**) is DENIED as MOOT.

/s/ DENISE PAGE HOOD

DENISE PAGE HOOD
United States District Judge

DATED: August 17, 2006

S/Denise Page Hood

Denise Page Hood
United States District Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 17, 2006, by electronic and/or ordinary mail.

s/ William F. Lewis

Case Manager